

North Andover Conservation Commission Meeting Minutes
April 27, 2016

Members Present: Louis A. Napoli, Chairman, Albert P. Manzi, Vice Chairman, Joseph W. Lynch, Jr., John T. Mabon, Deborah A. Feltovic, Sean F. McDonough, (arrived at 7:10 p.m.) Douglas W. Saal.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:01PM Quorum Present.

Public Meeting: 7:02 PM

NACC#170 981 Johnson Street (Bohenek) (Jenson Building & Remodeling)

- The applicant Matthew Bohenek of 981 Johnson Street and Seth Jenson of Jenson Building & Remodeling are present.
- The Administrator reviews the proposal to replace a deck in kind. The deck is rotting. She reviews an existing violation on the site. A prior owner constructed a retaining wall and filled the back yard right at the wetland line. She suggests requiring a No-Disturbance Zone adjacent to the wall until the owner can restore the area. He just purchased the house.
- Mr. Mabon states the project looks like a classic small project B.
- Ms. Feltovic asks how long the retaining wall will last.
- The Administrator states she is unsure but the photos show it is leaning toward the wetland.
- Mr. Manzi states there should be a violation notice but no action at this time.
- Mr. Lynch states he does not condone the wall as it is precarious and if it failed would impact the resource area.
- Mr. Bohenek confirms the septic system is in the front of the house.
- Mr. Saal states the property owner should be on notice that he will need to replace/remove the wall. He states existing lumber that has fallen in the resource area should be removed.
- Mr. Manzi suggests issuing an Enforcement Order and allowing 18-24 months for a plan.
- Mr. McDonough asks is the deck replacement is okay.
- Mr. Lynch notes that when the house was built there was no requirement for a 25' No-Disturb or 50' No-Build Zone. He suggests a violation letter and 1 year to plan to remediate the situation.
- The commission supports unanimously.
- A motion to accept this as small project 4.4.2B is made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.
- A motion to approve the small project with conditions for pre & post construction inspections inspections is made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.
- ***Documents:***
- *Application Checklist-Small Project*

- *Small Project Procedures*
- *Copy of Town Check*
- *Letter prepared by Seth Jensen of Jensen Building and Remodeling Scope of work for repair/replacement of existing deck components*
- *Prepared by Seth Jensen of Jensen Building and Remodeling Existing Deck Layout dated April 10, 2016*
- *Prepared by Seth Jensen of Jensen Building and Remodeling existing framing Plan dated April 10, 2016*
- *Photos prepared by the North Andover Conservation Department dated April 27, 2016*
- *Oliver Mass GIS Aerial Mapping prepared by the North Andover Conservation Department dated 1995*
- *Oliver Mass GIS Aerial Mapping prepared by the North Andover Conservation Department dated 2008/2009*
- *Oliver Mass GIS Mapping prepared by the North Andover Conservation Department dated 2013/2014*
- *Plan of Land prepared by Merrimack Engineering Services, Inc. December 1, 2015*

NACC#171, 5 Harwich Street (O'Neil)

- The applicant Zachery O'Neil of 5 Harwich Street is present.
- Administrator states the applicant proposes to replace the existing deck with a larger deck outside of the 50' No-Build Zone. She does not recommend wetland markers because the wetland is off-site on TTOR property and is already marked with their signage.
- Mr. McDonough confirms that the deck is 77' from wetlands.
- The Administrator confirms.
- A motion to accept the small project 4.4.2A is made by Mr. McDonough, seconded by Mr. Manzi.
- Vote unanimous.
- A motion to approve the new deck and stairs as proposed with a condition for post construction inspection is made by Mr. McDonough, seconded by Mr. Manzi.
- Vote unanimous.

Documents:

- *Application Checklist-Small Project*
- *Small Project Procedure*
- *Copy of Town Check*
- *Scope of Work for Deck Remodel prepared by the applicant Jessica Reed dated April 19, 2016*
- *Plot Plan Exhibit 1A dated April 20, 2016*
- *Plot Plan Exhibit 1B proposed deck expansion dimension details*
- *North Andover MIMAP of 5 Harwich Street prepared by the North Andover Conservation Department dated April 22, 2016*
- *Photos prepared by the North Andover Conservation Department dated April 27, 2016*

Public Hearings:

Request for Determination of Applicability

Route 133 East of 1650 Great Pond Road (DPW) (Bartlett Consolidated, LLC)

- Administrator states the proposal is to repair the damaged stone wall and reinstall guardrail where the trash truck went into the lake last year.
- Mr. Lynch recused has a conflict of interest with the company doing the work.
- Mr. Manzi states this is an RDA filing can only put 3 conditions on the RDA per MACC.
- Mr. Manzi states the North Andover Conservation Commission needs to know how they are going to prevent any rocks falling in to the Lake.
- Administrator states they are doing the work thru the insurance company settlement from trash Truck Company.
- A motion to grant the request for a continuance to the May 11, 2016 meeting is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Copy of Town Check*
- *Signatures and Submittal Requirements*
- *Notification to Abutters Form*
- *Certified Abutters List prepared by the North Andover Assessors Department dated April 11, 2016*
- *North Andover MIMAP Aerial Map prepared by Bartlett Consolidated, LLC dated April 11, 2016*
- *Photos prepared by Bartlett Consolidated, LLC dated April 11, 2016*
- *Photos prepared by the North Andover Conservation Department dated April 27, 2016*

100 Raleigh Tavern Lane (Wondolowski) (Benjamin C. Osgood, Jr.)

- The applicant David Wondolowski of 100 Raleigh Tavern Lane is present.
- The Administrator reviews the proposed project to rebuild the existing basement walkout and add a drywell as well as a deck removal and a deck rebuild. She states she reviewed the wetland delineation and recommends that a note be added to the plan that flag A1 should be located 10' up-gradient. There is new work within the 50' No-Build Zone but the majority of the structures are pre-existing.
- Mr. Mabon asks about the entrance to the basement and if there will be any change to the footprint.
- Mr. Wondolowski states the footprint will stay the same.
- Mr. Mabon asks about erosion control.
- The Administrator states erosion control is shown on the plan.
- Mr. McDonough asks why the applicant proposes to move the stairs to the other side of the deck.
- Mr. Wondolowski states they would like to add a window to add more light into the basement and the stairs would block the window.
- Mr. Manzi asks about the drywell.

- Mr. Wondolowski states this will replace an old basement drain that he believes outlets directly to the wetland.
- A motion to accept the waiver request is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.
- A motion to issue a negative #3 with conditions for pre & post construction inspections and removal of minor brush in the resource area is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *Scope of Work repair of Basement stairs, removal of small deck and movement of Stairs*
- *Notification to Abutters Form*
- *Certified Abutters List prepared by the North Andover Assessors Department dated March 29, 2016*
- *USGS Map prepared by the North Andover Conservation Department dated April 14, 2016*
- *NHESP Map prepared by the North Andover Conservation Department dated April 14, 2016*
- *Photos prepared by the North Andover Conservation Department dated April 27, 2016*
- *Site Plan prepared Benjamin C. Osgood, Jr. dated April 15, 2016*

60 Patton Lane (Baez) (Markey Land Development Consulting)

- The applicant Escipion Baez of 60 Patton Lane is present.
- Administrator states the applicant proposes to install an in-ground pool outside the 100-foot Buffer Zone, a portion the patio and a retaining are within the 200-foot Riverfront. She states the bylaw mirrors the Wetlands Protection Act on Riverfront so all work is actually exempt.
- Mr. Lynch asks about NHESP.
- The Administrator states the applicant has been in contact with NHESP.
- Mr. Baez states he received a response that this work is likely exempt.
- A motion to issue a positive # 2a for approval of the delineation and negative #5 for the exemption is made by Mr. Manzi, seconded by Ms. Feltovic. Access for the work is required to be over the existing driveway which will be swept daily.
- Vote unanimous.

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Copy of Town Check*
- *Signatures and Submittal Requirements*
- *Scope of Work for Construction of an in-ground pool, fire pit and patio 2-feet high retaining wall prepared by the applicant Escipion Baez dated April 19, 2016*
- *Notification to Abutters Form*
- *Certified abutters list prepared by the North Andover Assessor Department dated April 12, 2016*
- *USGS Map prepared by the North Andover Conservation Department dated April 14, 2016*
- *NHESP Map prepared by the North Andover Conservation Department dated April 14, 2016*

- *Photos prepared by the North Andover Conservation Department dated April 27, 2016*

Notice of Intent (NOI)

242-1678, 88-90 Saunders Street (Papa) (Rimmer Environmental Consulting, LLC)

(cont. from 4/13/16)

- Mary Rimmer of Rimmer Environmental Consulting, LLC is present.
- Administrator states the plan has been revised to show a drip trench for the addition and the infiltration areas for the existing downspouts as requested. Plantings have also been added along the fence and the lawn area will be loamed and seeded.
- Mrs. Rimmer reviews the changes and states there will be no additional walkways or stairs.
- Mr. Mabon asks about the 9" depth of stone for infiltration.
- Mrs. Rimmer states the soils are not good in this area so the trenches will not likely infiltrate water.
- Mr. Lynch states the stone will serve to dissipate energy so there is less erosion in the backyard.
- Mrs. Rimmer states the loam and seed should help with the erosion issue too.
- Mr. Napoli asks why the addition will be on sono-tubes rather than a full foundation.
- Mrs. Rimmer states it is a cost issue.
- A motion to close and issue a decision within 21 days is made Mr. McDonough, seconded by Mr. Manzi.
- Vote unanimous.

Documents:

- *Letter prepared by Rimmer Environmental Consulting, LLC dated April 20, 2016*
- *Proposed Addition Plan prepared by Donohoe Survey, Inc. dated March 25, 2016 revised dated April 20, 2016*

242-1677, 350 Winthrop Avenue (Delta MB, LLC c/o Demoulas Supermarket, Inc.)

(Rimmer Environmental Consulting, LLC) (cont. from 4/13/16)

- Eric K. Gerade and Peter Ellison of Technical Environment Corporation and Mary Rimmer of Rimmer Environmental Consulting, LLC are present.
- Administrator states a revised dewatering plan has been submitted.
- Mr. Lynch reviews the dewatering plan with the Commission and states it meets his expectation.
- Mr. Manzi asks for a review of the type of culvert that was chosen.
- Mr. Gerade states it will be the 4'x 4' box.
- Mr. Napoli asks about improvements to the swale.
- Mr. Gerade states there is no timetable for permitting that work.
- Mr. Napoli asks how the extra flows will be handled.
- Mr. Gerade states there is only a very slight increase in capacity with the new culvert. He states the culvert backs up under existing conditions.
- Mr. Manzi states we should have an O&M plan for the swale. He states bonding is needed.
- A motion to close the public hearing and issue a decision within 21 days is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Site Plan revised dated prepared by TEC revised dated April 20, 2016*
- *Letter revised dated prepared by TEC dated April 12, 2016*

General Business:

242-1573, COC Request, 88 Duncan Drive (Wiemann) (ARC Surveying & Engineering Associates, Inc.)

- The applicant Mr. Wiemann of 88 Duncan Drive is present.
- The Administrator states the site is in compliance with the proposed plan and approved modifications. She notes that the stone wall is slightly within the conservation easement shown on the plan.
- Mr. Wiemann explains how the wall ended up slightly within the easement.
- Mr. McDonough asks if any portion is within the 25' No-Disturb Zone.
- The Administrator states the wall is on the No-Disturb line.
- A motion to issue the COC is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter prepared by ARC Surveying & Engineering Associates, Inc. request for Certificate of Compliance dated April 5, 2016*
- *WPA Form 8A-Request for Certificate of Compliance*
- *As-Built Plan prepared by ARC Surveying Engineering Associates, Inc. dated April 5, 2016*
- *Photo prepared by the North Andover Conservation Department dated April 27, 2016*

242-1603, COC Request, 315 South Bradford Street (Smolak Farm LLC /H. Michael Smolak, Jr.) (ESS Engineering & Surveying Services)

- Administrator states the request is for the bathroom building at Smolak Farm. She states a drip trench was part of the proposed plan and was not installed.
- The North Andover Conservation Commission states the infiltration trench must be installed.
- A motion to grant the request for a continuance to the May 11, 2016 is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter prepared by ESS Engineering & Surveying Services request for Certificate of Compliance dated April 12, 2016*
- *WPA Form 8A-Request for Certificate of Compliance*
- *Foundation As-Built Plan prepared by Neponset Valley Survey dated January 21, 2014*

242-1595, Extension Request, 1661 Great Pond Road (TKZ)

- The Applicant Thomas D. Zahoruiko is present.
- Mr. Zahoruiko clarifies the extension request is for a house lot near the Rea's Pond pump station. He states he has updated the erosion control.
- The Administrator states this is the first extension request.
- A motion to issue the 1-year extension is made Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter request an 1-year extension prepared by TKZ LLC dated April 20, 2016*
- *Owner Authorization Form undersigned, Susan Wright, Trustee of the Technical Training*
- *Foundation prepared by TKZ LLC dated April 19, 2016*
- *Site Plan prepared by Andover Consultants, Inc. dated April 19, 2016*

242-1651, Modification Request, Lot 11 & Lot 12 (Old Salem Village) (Key Lime, Inc.)

- John Burke, Esq. is present.
- Administrator states the footprint of the duplex unit has been modified from the approved plan. There is less impervious area resulting from the change. A deck and bulkhead for each building are also shown.
- A motion to issue the modification as drafted is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter prepared by Key Lime, Inc. request a modification dated April 18, 2016*
- *Plan of Land prepared by Hays Engineering, Inc. dated April 8, 2016*

242-1261, Enforcement Order /COC Request, Cotuit & Leyden Streets (Robert Burke, Estate of Robert J. Burke) (TTI Environmental, Inc.) (cont. from 3/23/16)

- The applicant John Burke, Esq. is present.
- The North Andover Conservation Commission discusses the stone used in the forebays.
- Mr. Napoli suggests using 2" stone.
- A motion to grant the request for a continuance to the May 11, 2016 meeting is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.

Confirmation Emergency Certificate 1761 Salem Street (Salem Realty Trust/Beaver Solutions)

- A motion to confirm the issued Emergency Certificate for installation of a beaver deceiver is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.

Documents:

- *Letter prepared by the North Andover Board of Health Department dated April 5, 2016*
- *Letter prepared by James & Marinete Henry of 1773 Salem Street dated April 4, 2016*
- *Letter prepared by the North Andover Conservation Department Emergency Certificate Special Conditions dated April 25, 2016*
- *Letter prepared by the North Andover Board of Health Department Letter of Compliance dated April 29, 2016*
- *Photos prepared by the North Andover Conservation Department dated April 5, 2016*

Enforcement Order Update, 146 Main Street

- Administrator states on Monday she received notification that Mr. Smith had fixed the pipe, in doing so he located one pipe outside of the building in the Riverfront Area. She visited the site with the plumbing inspector. She states Mr. Smith did this work in violation of the

Enforcement Order that the Commission issued. The Enforcement Order informed him that any work may require a filing with the Conservation Commission. The work is not finished and there is stockpiled soil and debris in the Riverfront/Buffer Zone.

- Mr. Lynch suggests that an after the fact filing may be necessary.
- The Commission discusses the EO and the need for clean-up of debris and soil left behind.
- The Administrator notes that an after the fact filing would require triple filing fees.
- The Commission discusses the need to have the plumbing inspector's findings.
- Mr. Saal asks to receive the inspectors report.
- A motion to issue a new Enforcement Order requiring Mr. Smith to clean up the excavation and construction material by May 4, 2016 is made by Ms. Feltovic, seconded by Mr. Manzi. Fines will issue if work is not completed as required.
- Vote unanimous.

Decisions

242-1677, 350 Winthrop Avenue

- Administrator reviews the draft Order of Conditions.
- The Commission amends the Order.
- A motion to issue the Order of Conditions as amended is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.

242 -1678, 88-90 Saunders Street

- Administrator reviews the draft Order of Conditions.
- The Commission reviews the Order and makes no changes.
- A motion to accept the Order of Conditions as drafted is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

A motion to adjourn the meeting at: 9:00 PM is made by Mr. Manzi, seconded by Ms. Feltovic. Vote unanimous.